

Order

Michigan Supreme Court
Lansing, Michigan

April 17, 2009

Marilyn Kelly,
Chief Justice

135281

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 135281
COA: 270197
Gratiot CC: 05-005126-FH

DAVID PAUL MCCAWE,
Defendant-Appellant.

By order of July 23, 2008, the application for leave to appeal the October 4, 2007 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Watkins* (Docket No. 135787). On order of the Court, leave to appeal having been denied in *Watkins*, 482 Mich 1114 (2008), the application is again considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J., would grant leave to appeal for the reasons set forth in her dissenting statement in *People v Xiong*, ___ Mich ___ (Docket No. 135158, order entered April 17, 2009).

CAVANAGH, J., joins the statement of KELLY, C.J.



s0414

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 17, 2009

Corbin R. Davis

Clerk